

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUL 31 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte AKIHIRO YAMORI, TAKASHI HAMANO  
KIYOSHI SAKAI and KOUJI YAMADA

Application 09/526,619

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 20, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner's Answer mailed March 21, 2006, does not list the prior art of record being relied upon in the rejections of the appealed claims. Page 2 of the examiner's answer contains a section heading titled "**(8) Evidence Relied Upon**" that states "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal." The Manual Of Patent Examining Procedure (MPEP) § 1207.02(A) (8th ed., Rev. 3, August 2005) defines the above heading as follows:

*(8) Evidence Relied Upon.* A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

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Since the examiner's rejections are based on the prior art reference to Lim (US 6,430,223) and Appellants' admitted prior art, these references should be listed under the "(8) Evidence Relied Upon" heading in the examiner's answer. Correction is required.

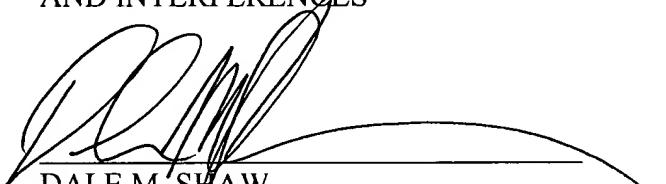
Accordingly, it is

ORDERED that the application is returned to the Examiner

- a) to issue a revised Examiner's Answer listing the prior art of record being relied upon in the rejection(s) of the appealed claims, and
- b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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